

Kathleen Sullivan (SBN 242261)
kathleensullivan@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Sean S. Pak (SBN 219032)
seanpak@quinnemanuel.com
John M. Neukom (SBN 275887)
johnneukom@quinnemanuel.com.
QUINN EMANUEL URQUHART &
SULLIVAN LLP
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Mark Tung (SBN 245782)
marktung@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
Telephone: (650) 801-5000
Facsimile: (650) 801-5100

Attorneys for Plaintiff Cisco Systems, Inc.

Steven Cherny (*admitted pro hac vice*)
steven.cherny@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Adam R. Alper (SBN 196834)
adam.alper@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street
San Francisco, California 94104
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Michael W. De Vries (SBN 211001)
michael.devries@kirkland.com
KIRKLAND & ELLIS LLP
333 South Hope Street
Los Angeles, California 90071
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**DECLARATION OF MATTHEW D.
CANNON IN SUPPORT OF CISCO'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S RESPONSE
TO ARISTA'S SUPPLEMENTAL
PROPOSED DISCOVERY PLAN**

DEMAND FOR JURY TRIAL

DECLARATION OF MATTHEW D. CANNON

I, Matthew D. Cannon, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. (“Cisco”). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Cisco’s Administrative Motion to File under Seal Confidential Information (“Sealing Motion”) in Cisco’s Response to Arista’s Supplemental Proposed Discovery Plan (“Cisco’s Brief”).

3. Cisco’s Brief is non-dispositive. In this context, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (i.e., is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

4. Pursuant to Civil L.R. 79-5(e), Cisco requests to seal the documents identified herein only because the information sought to be sealed has been directly designated by either Defendant Arista Networks, Inc. (“Arista”) or third-party Juniper Networks, Inc. (“Juniper”) as “HIGHLY CONFIDENTIAL—ATTORNEYS’ EYES ONLY” under the Protective Order (Dkt. 53). Cisco does not believe that the information so designated by Arista meets the good cause standard to be sealed. Cisco takes no position on whether the information so designated by third-party Juniper warrants sealing:

Document	Portions to Be Filed Under Seal	Designator
Cisco’s Response to Arista’s Supplemental	As highlighted in yellow in the version filed herewith, portions	Arista

1	Proposed Discovery Plan ("Cisco's Brief")	of pages: 3 at lines 17-19; 6 at lines 16-18 and lines 21-25; 7 at lines 19-21.	
2			
3	Cisco's Brief	As highlighted in blue in the version filed herewith, portions of pages: 6 at line 26 through 7 at line 2.	Juniper
4			
5	Exhibit 5 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery Plan ("Exhibit 5")	Entire.	Arista
6			
7			
8			
9	Exhibit 6 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery Plan ("Exhibit 6")	Entire.	Arista
10			
11			
12			
13	Exhibit 7 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery Plan ("Exhibit 7")	Entire.	Arista
14			
15			
16			
17	Exhibit 9 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery Plan ("Exhibit 9")	Entire.	Arista
18			
19			
20			
21	Exhibit 10 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery Plan ("Exhibit 10")	Entire.	Juniper
22			
23			
24			
25	Exhibit 12 to the Declaration of Matthew D. Cannon in Support of Cisco's Response to Arista's Proposed Supplemental Discovery	Entire.	Arista
26			
27			
28			

1	Plan (“Exhibit 12”)		
2	Exhibit 13 to the	Entire.	Arista
3	Declaration of Matthew		
4	D. Cannon in Support of		
5	Cisco’s Response to		
6	Arista’s Proposed		
7	Supplemental Discovery		
8	Plan (“Exhibit 13”)		
9	Exhibit 14 to the	Entire.	Arista
10	Declaration of Matthew		
11	D. Cannon in Support of		
12	Cisco’s Response to		
13	Arista’s Proposed		
14	Supplemental Discovery		
15	Plan (“Exhibit 14”)		
16	Exhibit 15 to the	Entire.	Arista
17	Declaration of Matthew		
18	D. Cannon in Support of		
19	Cisco’s Response to		
20	Arista’s Proposed		
21	Supplemental Discovery		
22	Plan (“Exhibit 15”)		
23	Exhibit 17 to the	Entire.	Arista
24	Declaration of Matthew		
25	D. Cannon in Support of		
26	Cisco’s Response to		
27	Arista’s Proposed		
28	Supplemental Discovery		
	Plan (“Exhibit 17”)		

5. Cisco’s Brief contains descriptions of and quotations from transcripts and exhibits to depositions designated “Highly Confidential—Attorneys’ Eyes Only” by Arista. These documents are included as Exhibits 5-7, 9, 12-15, and 17 to the Declaration of Matthew D. Cannon in Support of Cisco’s Response to Arista’s Proposed Supplemental Discovery Plan. Cisco does not believe the that the information so designated by Arista merits sealing. Nevertheless, Cisco has narrowly redacted those portions of its Brief containing information so designated by Arista. Specifically, Cisco has redacted the descriptions of and quotations from these Arista documents in Cisco’s brief. Redacted and unredacted highlighted versions of Cisco’s Brief are attached hereto.

SIGNATURE ATTESTATION

Pursuant to Civ. L.R. 5-1(i)(3), the undersigned hereby attests under penalty of perjury that concurrence in the filing of this document has been obtained from the signatory indicated by the “conformed” signature (/s/) of registered ECF User Matthew D. Cannon (Bar No. 252666).

/s/ Sean S. Pak
Sean S. Pak (Bar No. 219032)